



IOWA DEPARTMENT OF NATURAL RESOURCES

**December 11, 2008
For immediate release**

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DNR SEEKS PUBLIC COMMENTS ON IMPAIRED WATERS LIST

MEDIA CONTACT: John Olson at (515) 281-8905 or John.Olson@dnr.iowa.gov.

DES MOINES – The DNR is asking Iowans to comment on the draft 2008 Iowa impaired waters list, which identifies 445 streams, rivers and lakes. The list was presented to the DNR’s Environmental Protection Commission Dec. 9.

Nearly 190 new water bodies have been added since the 2006 list was prepared. The impaired waters list names 445 water bodies in need of a water quality improvement plan. An additional 96 waterbodies remain impaired, but are not included on the impaired waters list because they have a completed improvement plan or a plan is not needed. That makes for a total of 541 impaired waters in Iowa.

The higher number on the 2008 list indicates an increase in water and biological monitoring, not necessarily an increase in pollution, according to John Olson, the DNR’s specialist on water quality assessments.

“The majority of impairments in Iowa are not severe,” Olson said. “But they do indicate that our waters are not as good as they could or should be for Iowa’s aquatic life and for Iowans to swim in, to play in and use as a source for drinking water.”

The top three reasons Iowa streams are impaired are bacteria, biological factors and fish kills. In lakes, algae, turbidity (cloudy water) and bacteria top the list, although lakes and

streams may be impaired for more than one cause. Biological impairments are a major cause of impairment in streams, but are difficult to trace to a specific cause.

Changes to Iowa's water quality standards have also put new waters on the 2008 list, Olson added. The changes in standards presume that all perennial streams and rivers in the state should be protected for primary contact recreation (like swimming) unless assessments show they would not support that use.

"If we had monitoring data available for all small streams, it's likely most of them would have bacterial impairments," Olson said. "So we put those streams with data in a special impaired category based on that presumption, and some could potentially come off the list once we complete our on-site assessments of those streams."

The DNR identifies and develops the impaired waters list for waters that do not fully meet state water quality standards. The list must be updated every two years and submitted to the U.S. Environmental Protection Agency to meet requirements of the Clean Water Act. The list is one category of a larger "integrated water quality report" that is designed to meet Clean Water Act requirements for state water quality assessment and listing.

The DNR will accept comments on the list through Feb. 5. Comments can be submitted to John Olson, DNR, 502 East Ninth St., Des Moines, Iowa 50319. Or, comments can be e-mailed to John.Olson@dnr.iowa.gov.

The draft list and supporting materials are available on the DNR Web site at <http://wqm.igsb.uiowa.edu/WQA/303d.html>. Hard copies are available by contacting Olson at (515) 281-8905.

The DNR will consider the comments, make necessary revisions to the draft list and submit the revised list to the U.S. EPA for approval.

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DNR SEEKS PUBLIC COMMENTS ON ANTIDEGRADATION POLICY AND IMPLEMENTATION RULE

MEDIA CONTACT: Adam Schnieders at (515) 281-7409 or adam.schnieders@dnr.iowa.gov

DES MOINES — The DNR is seeking public comments on proposed water quality standard rules to implement an antidegradation policy in Iowa.

The antidegradation policy, required by Iowa law, would set minimum requirements for the state to conserve, maintain and protect water quality and existing uses of Iowa's waterbodies.

Antidegradation policy is one of the three components of water quality standards (i.e. designated uses, water quality criteria to protect those uses, and antidegradation policy). The DNR is proposing a four-tiered approach, including creating a guidance document that establishes procedures for implementing the antidegradation policy.

People can comment orally or in writing on the proposed rules at nine public hearings, listed alphabetically by city:

Atlantic

Dec. 17, 6:00 p.m., Atlantic Municipal Utilities Conference Room, 15 W. Third St.

Clear Lake

Dec. 18, 1:00 p.m., Clear Lake Community Meeting Room, 15 N. Sixth St.

Davenport

Jan. 15, 1:00 p.m., Davenport Public Library, Film Room, 321 Main St.

Des Moines

Dec. 12, 1 p.m., fifth floor conference rooms of the Wallace State Office Building, 502 East Ninth Street

Manchester

Jan. 14, 10:00 a.m., Manchester Public Library at 304 Franklin St.

Milford

Jan. 8, 7:00 p.m., Iowa Lakeside Laboratory, Waitt Building, 1838 Highway 86

Storm Lake

Dec. 17, 10:00 a.m., Storm Lake Public Library, 609 Cayuga St.

Washington

Dec. 15, 10:00 a.m., Washington Public Library, 120 E. Main St.

Waukon

Jan. 14, 6:00 p.m., Northeast Iowa Community College - Waukon, Room 115, 1220 Third Ave., Suite 102

The changes being proposed include the following:

- Incorporate by reference the document entitled “Iowa Antidegradation Implementation Procedure,” which proposes an approach to be followed in assessing and minimizing degradation of Iowa’s surface waters
- Update antidegradation policy language with four tier approach
- Remove High Quality (Class HQ) and High Quality Resource (Class HQR) designated uses and add several waters to the newly proposed Outstanding Iowa Water (OIW) category.

People can also submit written comments by sending them to Adam Schnieders, Iowa DNR, 502 East 9th St., Des Moines, IA 50319, or by e-mail to adam.schnieders@dnr.iowa.gov. The DNR will accept comments until January 29, 2009.

For more information, view the complete rule proposal at www.iowadnr.gov/water/standards/antidegradation.html or contact Schnieders by e-mail or at (515) 281-7409.

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DNR ENFORCEMENT ACTIONS

MEDIA CONTACT: Jessie Brown at (515) 281-5131.

DES MOINES — The DNR has taken the following enforcement actions. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

Enforcement actions, including copies of the original orders and contact information, are available on the DNR's Web site at www.iowadnr.gov/legal/eactions.html. The Web listing offers orders first taken in 2007 or 2008 (amendments to orders issued prior to 2007 are not listed).

Consent Orders

A consent order is issued as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

Buena Vista County

Jacob Nielsen, of Newell, agreed in a consent order to install a gate at his property that would restrict access to the site where open burning and improper solid waste disposal violations occurred, and to pay a \$2,000 penalty. The order is in regard to air quality and solid waste disposal violations that occurred during the demolition of two commercial buildings in Newell.

Cerro Gordo County

Tommy and Debra Weaver, of Rockwell, agreed in a consent order to submit an as-built application and pay a \$5,000 penalty. The order is in response to a construction permit violation at the Weavers' confinement facility in Rockwell.

Hamilton County

Westrum Farms, Inc., of Stratford, agreed in a consent order to pay a \$5,500 penalty. The order is in regard to manure maintenance, manure release notification and improper manure discharge issues.

Humboldt County

Red Barn Acres, LLC, of Blairsburg, agreed in a consent order to pay a \$4,000 penalty. The order is in response to issues involving open burning, improper solid waste disposal and prohibited manure discharge. The penalty has been paid.

Jasper County

Wes and Jaci Vande Krol, of Lynnville, agreed in a consent order to submit receipts of all landfill tickets to the DNR and pay a \$1,500 penalty. The order is in regard to air quality and solid waste disposal violations that occurred during the burning of their previously demolished house in Lynnville. The penalty has been paid and the area has been cleaned up.

Keokuk County

Ray Griffin, of Richland, agreed in a consent order to pay a \$2,500 penalty and \$7,500 Supplemental Environmental Project, and to voluntarily give up his municipal solid waste landfill (MSWLF) operator certification. The order is in regard to violations at the SEMCO landfill, where he is landfill manager.

Linn County

A'Hearn Plumbing and Heating, Inc., of Hiawatha, agreed in a consent order to pay a \$700 penalty and a \$2,800 Supplemental Environmental Project, including asbestos training for A'Hearn employees. The consent order is in regard to a demolition project at Stewart Elementary School in Washington.

Mahaska County

Mahaska Rural Water System, Inc., of Oskaloosa, agreed in a consent order to pay a \$1,000 penalty after failing to renew a National Pollutant Discharge Elimination System (NPDES) permit in a timely manner for its wastewater disposal system in Rose Hill.

Muscatine County

Ripley, Inc., dba Clearview Mobile Home Park, of Muscatine, agreed in a consent order to comply with a schedule for wastewater treatment facility improvements. The order is in regard to settling an appeal of the facility's National Pollutant Discharge Elimination System (NPDES) permit.

Poweshiek County

Axmear Pumping, LLC, of Malcom, agreed in a consent order to pay a \$5,000 penalty. The order is in response to a manure discharge into an unnamed tributary of Prairie Creek near Blairstown. The penalty has been paid.

Wapello County

Chamness Technology, Inc., of Eddyville, agreed in a consent order to comply with a plan of action that includes, among others, a storm water prevention plan amendment and storm water pond sludge management guidelines. Chamness also agreed to pay a \$2,000 penalty to the DNR and an \$8,000 Supplemental Environmental Project (SEP) to the

Iowa Natural Heritage Foundation. The order is in regard to wastewater and solid waste violations. The penalty and SEP have been paid.

Consent Amendments

A consent amendment is issued in settlement of a previous administrative order or to amend a pre-existing consent order. A consent amendment indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

Polk County

Environmental Reclamation and Recycling, LLC, of Des Moines, agreed in a consent amendment to remove and dispose all stockpiled material, unearth all materials previously deposited, and submit all appropriate verification records to the DNR. The order also instructs Environmental Reclamation and Recycling, LLC, to pay a \$1,000 penalty for each month compliance deadlines are not met. This amends a 2008 administrative order regarding solid waste violations.